

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAUL C. CULLOM, JR., et al.,	)	Case No. C06-1655-JLR-JPD
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	REPORT AND RECOMMENDATION
	)	
CITY OF KENT, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiffs, appearing *pro se*, recently filed an application to proceed *in forma pauperis* (IFP) in this 42 U.S.C. § 1983 action. Dkt. No. 1. Plaintiffs Paul C. Cullom, Jr., Rollin M. Perkins, Peter Friedman, Bank of America, "USAA," and "one Black Rubber Boot Named 'Boss,'" included with their application a one-and-a-half page "Semper Fidelis Complaint Pro Se" naming no less than twenty-five defendants including, for example, the City of Kent, Bank of America, Bill Gates, and King County Prosecuting Attorney Norm Maleng. Dkt. No. 1-2. Styled a "Hate Crime Conspiracy," plaintiffs' complaint asserts, without more, that "[t]he defendants, acting under color of state law, have violated my civil rights and my constitutional rights." *Id.* Damages are measured at "\$1 million, at least." Dkt. No. 1-3.

01 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed  
02 IFP and should dismiss an action if, among other things, it is frivolous or the complaint fails to  
03 state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii);  
04 *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if “it lacks an  
05 arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

06 Here, plaintiffs fail to allege any facts to place defendants on notice of the nature of  
07 their claims or to otherwise provide any basis for jurisdiction in this Court. *See* Fed. R. Civ. P.  
08 8(a). The complaint also appears to name as defendants governmental actors who enjoy  
09 immunity from suit. *See, e.g., Imbler v. Pachtman*, 424 U.S. 409, 427 (1976); *Pierson v. Ray*,  
10 386 U.S. 547, 553-54 (1967). Because this action appears frivolous and fails to state a claim  
11 upon which relief can be granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B)  
12 and Federal Rule of Civil Procedure 12(b)(6).


13 The Court advises plaintiffs of their responsibility to research the facts and law before  
14 filing a complaint in order to determine whether their claim for relief is frivolous. If plaintiffs  
15 file a frivolous action, they may be sanctioned. *See* Fed. R. Civ. P. 11. The court would likely  
16 impose a sanction of dismissal on any frivolous complaint. If plaintiffs file numerous frivolous  
17 or malicious complaints, the court may bar them from proceeding IFP in this court. *See*  
18 *DeLong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order  
19 requirements).<sup>1</sup>

---

22 <sup>1</sup> The Court notes that plaintiff Cullom is a prolific litigator who has filed four similar  
23 lawsuits in as many months against various private citizens, governmental officers and attorneys  
24 in this district. *See, e.g., Cullom et al. v. Doe et al.*, C06-957-JCC; *Cullom et al. v. Gates et al.*,  
25 C06-1564-RSM; *Cullom et al. v. Gates et al.*, C06-1573-MJP; *Cullom et al. v. City of Kent et al.*,  
26 C06-1655-JLR. Indeed, a strikingly similar action previously filed by plaintiff in this district was  
dismissed on grounds similar to those recommended by the Court today. *See Cullom*, C06-957-  
JCC, Dkt. No. 15 (dismissing case for failure to comply with court’s order to show cause and  
failure to meet the requirements of Rule 8).

01 Because of the extreme deficiencies in plaintiffs' IFP application and complaint, their  
02 request to proceed IFP should be DENIED and this action DISMISSED without prejudice.  
03 *See* 28 U.S.C. § 1915(e)(2)(B). A proposed Order of Dismissal accompanies this Report and  
04 Recommendation. If plaintiffs believe that the deficiencies outlined herein can be cured by an  
05 amendment to their complaint, they should lodge an amended complaint as a part of their  
06 objections, if any, to this Report and Recommendation.

07 DATED this 28th day of November, 2006.

08   
09 JAMES P. DONOHUE  
10 United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26